

Local Authorities Elections Act
Municipal Candidates Manual

2011

Cities, Towns, Villages, Hamlets
And Chartered Communities

INTRODUCTION

This guidebook is to assist anyone interested in seeking election or re-election to municipal office. It provides an overview of the election process in the Northwest Territories and a summary of the steps you need to take to run as a candidate in a municipal election.

The information in this guide is general and has been prepared as a reference for candidates. Nothing in this material relieves the candidate from the responsibilities of complying with the statutory provisions of the *Local Authorities Elections Act*. It is suggested that candidates refer to the *Local Authorities Elections Act* for specific provisions.

If you have any questions about the material in this guide, or you would like more information about municipal elections in general, please contact your Returning Officer, or contact:

Office of the Chief Municipal Electoral Officer

Municipal and Community Affairs

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THINGS TO REMEMBER

Why Run for Office

Becoming a municipal councillor is a challenging and rewarding experience. As an elected official, you will have the opportunity to influence the future of your community. People will look to you to represent their best interests and to make informed decisions that will benefit the whole municipality. There are many challenges for elected officials, but one of the benefits is being able to respond to community needs in a way that benefits all.

The Returning Officer

The Returning Officer is the person responsible for running the election and will be your primary contact when you run for office. Ensure you know the Returning Officer's name, work phone number, and office location when you decide to run for office. Your municipal office will have this information.

ELIGIBILITY OF CANDIDATES AND NOMINATORS (Candidates in Chartered Communities are advised to check with their local authority)

Eligibility of Candidates

As a candidate, you must know the rules about the eligibility of candidates and the persons who can nominate you. Candidates and nominators must declare they are eligible. You may be required to sign a further declaration as to your eligibility, before or after the close of nominations.

NOMINATIONS

Call for Nominations

The *Local Authorities Elections Act* requires the public posting of the “Notice Calling for Nomination of Candidates”. The Returning Officer will post the notice in at least five widely separated and noticeable places in the municipality.

Nomination Period

The nomination period starts no later than two weeks before the close of nominations. Nomination forms are obtained from the Returning Officer.

The nomination period closes at 3:00 p.m. on the day that precedes the Election Day, by four weeks. The date for the close of nominations can be extended by the Returning Officer for one week, if the number of nominated candidates is less than the number of vacant positions.

Remember that it is your responsibility to ensure your nomination form is submitted on time and that your documents are accurate and complete. It is best to file early so that any errors can be corrected before the nomination period closes. If your nomination form is not complete by the close of nominations, or you submit past the deadline, you are NOT eligible to run for office.

At the end of the nomination period, and when the period for withdrawals expires, the Returning Officer will officially declare the candidates for the municipal election.

Filing Nomination Papers

Once the notice for nominations has been posted, you can file nomination papers. Do not wait until the last moment to file your nomination papers and make a declaration. Also, keep in mind that your nominators and you must be eligible to vote. If an unforeseen event occurs, you may have to find another nominator. Candidates who file at the last moment may not be able to find another nominator in time.

NOTE:

In Hamlets, a candidate may run for the position of Mayor and Councillor. A candidate may run in both the municipal election and District Education Authority election. A separate set of nomination papers must be filed for each position.

Candidates' Oaths and Affirmations

Section 30 of the *Local Authorities Elections Act* provides elections officers with the authority of a Commissioner of Oaths, so they may take oaths or declarations of candidates for the purpose of the election.

Problems with Nomination Forms (Declarations of Eligibility)

A candidate may have to file up to three declarations:

1. when filing nomination papers;
2. at the request of the Returning Officer before the close of nominations under Section 38, a candidate may be asked to swear another declaration on specific grounds; and
3. at the request of the Returning Officer when a voter or local authority questions the eligibility of a candidate on specific grounds under Section 41, a candidate may be asked to swear another declaration.

Candidates are advised that it is a criminal offence to make a false declaration. If you sign the declaration in time, you will be included as a candidate on the ballot. If a candidate refuses to sign, the nomination is not accepted.

A Nomination Form is filled out improperly

The Returning Officer will examine the nomination papers carefully. If an error is realized after nominations close, the error may be corrected and nomination papers resubmitted. The Returning Officer cannot personally change anything on the nomination form.

The Close of Nominations – Office Hours

The Returning Officer will set and maintain the hours stated on the public notice "Calling for Nominations". The Returning Officer will not accept nominations after the deadline.

Returning Officers are permitted to ask candidates to come to their office to fix any errors or omissions, or to file a Declaration of Eligibility within 48 hours.

Extending the Nomination Period

Where the number of candidates nominated for election is less than the number of persons required to be elected, the Returning Officer shall extend the nomination period by posting public notice of a one-week extension. At the end of the extension period, the Returning Officer will post either the Notice of Election or the Certificate of the Results of the Election. If after the extension period, there are still an insufficient number of candidates to fill the number of vacant positions, the new Council may fill the vacancies by appointing interested persons to Council (s.43) for a one year term.

Withdrawing your Nomination

A candidate may withdraw their nomination within 48 hours after nominations close. If done in time, the candidate's name will not appear on the ballot. If the withdrawal is after the deadline, the candidate's name will appear on the ballot.

Challenge Period

The Returning Officer will post the notice of candidates nominated. Once the notice is posted, the Returning Officer will accept challenges to the eligibility of candidates. Please note that all voters are entitled to see the nomination papers of candidates.

A voter or the local authority may challenge the eligibility of a candidate. A typical reason the local authority will challenge a candidate is on the basis of residency or indebtedness in the municipality. Any voter or local authority must, within 72 hours after public notice of the names of the candidates, advise the Returning Officer, in writing, of the reasons a person may be ineligible as a candidate (s. 41(1)).

A Returning Officer who receives a written challenge to a candidate's eligibility must, without delay, give to the candidate the grounds for the challenge in writing, and require an additional Declaration of Eligibility within 48 hours (ss. 41(2) and (3)).

WILL THERE BE AN ELECTION**An Election will be Held**

When there are more candidates than the number of vacant positions, an election must be held. The Returning Officer as soon as possible after the close of nominations gives public notice of the election and posts the list of candidates.

Candidates are Elected by “Acclamation”

When the number of candidates is the same as the number of vacancies, the candidates are elected by acclamation, and the election is cancelled. After the Returning Officer has given public notice of the names of the candidates and resolved any disputes concerning a candidate's eligibility, the Returning Officer has 72 hours to declare the candidates duly elected. The Returning Officer will do this by posting the Certificate of the Results of the Election.

In a hamlet, a candidate may have been nominated for both the office of Mayor and Councillor. If the candidate is acclaimed as Mayor, the Returning Officer shall publicly declare the candidate elected as Mayor and not consider his or her nomination as a Councillor.

CANDIDATE'S AGENTS**Candidate's Agents**

Candidates must give written authority to a person(s) who will act as the candidate's agent(s) and that written authority must be produced to the Deputy Returning Officer at a voting station. An agent may attend at the voting station throughout the day. Only the candidate or an agent, but not both, at the same time, are permitted to remain in the voting station throughout the Election Day or the vote count.

CAMPAIGNING

Access to Multiple Dwelling Sites

Landlords cannot prohibit candidates from campaigning or residents from displaying campaign materials. However, landlords can restrict the candidates' time of access (9 a.m. to 8 p.m. minimum access), restrict the residents' size and type of campaign materials, and prohibit campaign materials in common areas.

Election Material and Signs

There is to be no campaign materials posted, erected or placed within 25 m of a voting station. All signs and other campaign materials must be removed within 7 days of the election. Failure to remove such materials can result in the municipality arranging for the removal of materials and charging the expense to the candidate to whom they relate. It is an offence to take down, remove, cover up, mutilate, deface or alter campaign materials without authority.

Campaigning on Advance Vote and Election Day

There is to be no activity to promote or oppose the election of a candidate within 25 m of a voting station. This includes the wearing or display of any object indicting a political statement or message that could be construed as promoting or opposing the election of a candidate. This does not restrict a candidate or other person from transporting a voter to and from a voting station, but if campaign material is displayed on the vehicle, the driver may only stop at the voting station long enough for the voter to exit or enter the vehicle.

REGULAR ELECTION DAY (Contact your local authority to determine this date)

Hours of Voting

The usual hours of voting on Election Day are from 10:00 a.m. to 7:00 p.m. The local authority may change voting hours, but the voting station must be open a minimum of 9 hours and a maximum of 12 hours. (NOTE: this varies from the advance vote, which is a minimum of 5 hours).

Questions of Eligibility to Vote

If a candidate, a candidate's agent, election officer or another voter suspects a person who intends to vote may not be eligible, whether they are listed or not, they must inform a member of the election staff. Under no circumstances should a voter be approached directly by candidates or a candidate's agent.

If someone objects to a person being given the right to cast a vote, the Deputy Returning Officer must write the words "objected to" in the voters' register, opposite the voting name. The officer must also write the name of the person who objected. The Deputy Returning Officer does give this person a ballot if they complete a Declaration of Eligibility.

If a person refuses to make the Declaration of Eligibility, the Deputy Returning Officer must write the words "refused to take declaration" in the voters' register, opposite the name of the voter. The Deputy Returning Officer does not give the person a ballot.

Breaking Tie Votes

After the election staff has counted all the votes and an automatic recount has taken place, they may find that two or more candidates for Mayor or the last seat available on the Council have received the same number of votes. The *Local Authorities Elections Act* offers two options. The first is drawing a name; the second is a run-off by-election where the municipality has, by bylaw, established this rule. The first is very specific as to how to break the tie vote and how to determine which candidate is elected (s. 75). The Returning Officer must write the names of those tied candidates on separate blank sheets of paper. Next, they fold the sheets of paper so that the names are concealed. They then deposit them in a container and ask an election officer to withdraw one of the sheets at random. The Returning Officer will declare the candidate, whose name appears on the withdrawn sheet to have one more vote than the other candidate.

Where the council has established a run-off by-election, by bylaw, the run-off must take place within 14 days for those candidates with the same number of votes who have tied for the remaining seat(s).

Automatic Recounts

Where the count of votes results in two or more candidates being divided by four or fewer votes and where one or more such candidates having a greater number of votes will be elected and one or more such candidates having a lesser number votes will not be elected, the Returning Officer shall conduct a recount. Candidates (or their agents) have the right to be present at recounts as well as the original count.

OTHER VOTING OPPORTUNITIES**Mobile Voting Station**

At the Returning Officer's discretion and at the request of a voter(s) who is physically unable to go to the voting station, there may be special voting stations established at a person's home or at an institution. Candidates should be informed if such voting stations are to be held and at what time they will be "open". Candidates or their agents have the option of attending such voting stations. Candidates are advised to contact the Returning Officer to confirm whether or not such voting stations will be used.

Council Bylaws

Councils may establish, by bylaw, additional voting opportunities such as mail-in ballots or voting in the office of the Returning Officer. As well, councils may adopt a bylaw requiring the reporting of campaign contributions. Candidates are advised to contact the Returning Officer to find out if there are election related bylaws.

POST-ELECTION PROCEDURES

Declaration of Election Results

At the end of the vote count, the Returning Officer must declare and post the results of the election including the number of votes each candidate received.

Removal of Campaign Materials

Candidates must remove all election materials (e.g., signage) from public property within 14 days after Election Day (s. 109(1)). After 14 days, the municipality may remove them and charge the candidate costs related to their removal (s. 109(2)).

Major Election Offences

The *Local Authorities Elections Act* lists major election offences in municipal elections (s. 106). Become familiar with lawful and unlawful election activities.

Additional Information

Additional information can be found in the *Local Authorities Elections Act* at:

http://www.justice.gov.nt.ca/PDF/ACTS/Local_Author_Elect.pdf

and the Local Authorities Returning Officers Manual at:

http://www.maca.gov.nt.ca/resources/election_information/Local_Authorities_Election_Manual.

